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2009 JUN 12 AM 9:52

EM. RIMANING
CLERK, APPELLATE COURTS
STATE OF HAWAII

NO. 29844

IN THE SUPREME COURT OF THE STATE OF HAWAII

BENJAMIN CORTEZ SWIFT, Petitioner,

vs.

THE HONORABLE RICHARD K. PERKINS, JUDGE OF THE CIRCUIT COURT OF THE FIRST CIRCUIT, STATE OF HAWAII and STATE OF HAWAII, Respondents.

ORIGINAL PROCEEDING
(SPP No. 07-1-0026)

ORDER


(By: Moon, C.J., Nakayama, Acoba, Duffy, and Recktenwald, JJ.)

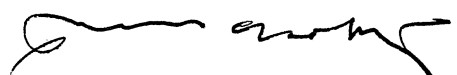
Upon consideration of the papers submitted by Benjamin Cortez Swift, which is deemed a petition for a writ of mandamus, it appears that petitioner fails to demonstrate a clear and indisputable right to relief. See Kema v. Gaddis, 91 Hawai'i 200, 204, 982 P.2d 334, 338 (1999) (A writ of mandamus is an extraordinary remedy that will not issue unless the petitioner demonstrates a clear and indisputable right to relief and a lack of alternative means to redress adequately the alleged wrong or obtain the requested action.). Therefore,

IT IS HEREBY ORDERED that the clerk of the appellate court shall process the petition for a writ of mandamus without payment of the filing fee.

IT IS FURTHER ORDERED that the petition for a writ of mandamus is denied.

DATED: Honolulu, Hawaii, June 12, 2009.


Anna C. Nakayama


Benjamin E. Duffy


Mark E. Recktenwald